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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,589

09/26/2003

J. Dennis Page

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EXAMINER

PATEL, DHARTI HARIDAS

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary	Application No. 10/672,589	Applicant(s) PAGE, J. DENNIS	
	Examiner Dharti H. Patel	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4-7, 9-12, and 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy, Patent No. 6,369,705, in view of Young, Patent No. 5,291,208.

With respect to claim 1, Kennedy teaches a response system [Col. 1, lines 5-10], comprising a regional transmitter [Fig. 1, 9] for transmitting a control signal; a plurality of receivers [Fig. 1, 3, Col. 6, lines 4-6] adapted to receive the control signal; at least one automatic response device [Col. 3, lines 49-52], each automatic response device associated with one of the receivers [Fig. 1, 3] and adapted to perform a function [Col. 3, lines 49-58]. However, Kennedy does not disclose that performing the function affects the position and/or orientation of the automatic response device.

Young teaches a protection system for protecting electrical devices from a potential threat of damaging voltage levels occurring by reason of electrical disturbances in the atmosphere [Fig. 1; Col. 1, lines 7-10; Col. 2, lines 38- 50]. Young further teaches that performing the protective function affects the position and/or orientation of the automatic response device [col. 3 lines 19-27; the

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automatic response device here is master protection relay K2 which causes contacts 62 and 64 to change position in order to carry out the protective function].

Both teachings are related by being weather responsive systems for implementing safety. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a means of changing position/orientation to Young's response system for the purpose of automating the disconnection/grounding of critical loads from the power supply during inclement weather (i.e. lightening storms). This would be beneficial since automated means of disconnection/ grounding would be immensely faster than any human could perform (it would take more time for a human operator to receive a warning and act on it than an automated response system). This would also provide additional safety for human operators since they would not be risking possible electrocution by attempting to disconnect/ground electrical equipment during lightening storms.

With respect to claim 4, Kennedy teaches a monitoring and response system [Col. 1, lines 5-10], comprising a monitoring device [Fig. 1, 1] for detecting at least one condition [Col. 2, lines 52-57, Col. 3, lines 11-13]; a plurality of regional transmitters [Fig. 2, 9, 11] adapted to transmit control signals to a geographic area; a plurality of receivers [Fig. 1, 3] within the geographic area adapted to receive the control signal; and at least one automatic response device [[Col. 3, lines 49-52], each automatic response device associated with one of the

receivers [Fig. 1, 3], the automatic response device adapted to perform a function [Col. 3, lines 49-58]. However, Kennedy does not disclose that performing the function affects the position and/or orientation of the automatic response device.

Young teaches a protection system for protecting electrical devices from a potential threat of damaging voltage levels occurring by reason of electrical disturbances in the atmosphere [Fig. 1; Col. 1, lines 7-10; Col. 2, lines 38- 50]. Young further teaches that performing the protective function affects the position and/or orientation of the automatic response device [col. 3 lines 19-27; the automatic response device here is master protection relay K2 which causes contacts 62 and 64 to change position in order to carry out the protective function].

With respect to claim 5, Kennedy teaches that at least two of the plurality of regional transmitters [Fig. 2, 9, 11] transmits control signals to different portions of geographic area [Fig. 1, transmitter 9 transmits control signals to receivers 3 located at different portions of geographic area].

With respect to claim 6, Kennedy teaches that the at least two of the plurality of regional transmitters [Fig. 2, 9, 11] transmits control signals to different portions of geographic area [Fig. 1, transmitter 9 transmits control signals to receivers 3 located at different portions of geographic area] using the same control signal [See Fig. 2].

With respect to claim 7, Kennedy teaches that the monitoring device [Fig. 1] is adapted to detect at least one environmental condition [Col. 7, lines 13-16].

With respect to claim 9, Kennedy teaches that the monitoring device monitors the at least one condition by monitoring precursor conditions [Col. 1, lines [Col. 1, lines 15-19, lines 24-32].

With respect to claim 10, Kennedy teaches a method for a service provider to provide notification service to at least one location having an automatic response device, the method comprising monitoring at least one condition [Fig. 1, 1, monitoring weather condition]; and upon detecting the condition, transmitting or ceasing transmitting at least one control signal [Fig. 1, transmitting from a transmitter 9] to the automatic response device that responds to the presence or absence of the control signal by performing a function [Col. 3, lines 49-58]. However, Kennedy does not disclose that performing the function affects the position and/or orientation of the automatic response device.

Young teaches a protection system for protecting electrical devices from a potential threat of damaging voltage levels occurring by reason of electrical disturbances in the atmosphere [Fig. 1; Col. 1, lines 7-10; Col. 2, lines 38- 50]. Young further teaches that performing the protective function affects the position and/or orientation of the automatic response device [col. 3 lines 19-27; the automatic response device here is master protection relay K2 which causes contacts 62 and 64 to change position in order to carry out the protective function].

With respect to claim 11, Kennedy teaches that monitoring the at least one condition comprises monitoring at least one environmental condition [Col. 7, lines 13-16].

With respect to claim 12, Kennedy teaches that monitoring the at least one environmental condition comprises monitoring precursor conditions to the at least one environmental condition [Col. 1, lines 15-19, lines 24-32].

With respect to claim 14, Kennedy teaches that transmitting control signals comprises transmitting the control signals to different portions of a geographic area using different regional transmitters [Fig. 2, 9, 11].

With respect to claim 15, Kennedy teaches that transmitting control signals comprises transmitting a common control signal to the different portions of the geographic area [See Fig. 2].

With respect to claim 16, Kennedy teaches that monitoring the at least one condition comprises monitoring the absence of an environmental condition [Col. 7, lines 13-16, monitoring sports and financial news means there is no environmental condition].

With respect to claim 17, Kenney teaches a monitoring and response system [Col. 1, lines 5-10], comprising a monitoring device [Fig. 1, 1] for detecting at least one condition; a plurality of regional transmitters [Fig. 2, 9, 11] adapted to transmit control signals to a geographic area; a plurality of receivers [Fig. 1, 3] to receive the control signal; and at least one automatic response device [Col. 3, lines 49-52], each automatic response device associated with one

of the receivers [Fig. 1, 3], the automatic response device adapted to perform a function [Col. 3, lines 49-58], wherein the function is activating warning signs [activating alarm, Col. 1, line 18, Col. 3, lines 11-13].

With respect to claim 18, Kennedy teaches that at least two of the plurality of regional transmitters [Fig. 2, 9, 11] transmits control signals to different portions of the geographic area.

With respect to claim 19, Kennedy teaches that the at least two of the plurality of regional transmitters [Fig. 2, 9, 11] transmit control signals to the difference portions of the geographic area using the same control signal [See Fig. 2].

With respect to claim 20, Kennedy teaches that the monitoring device [Fig. 1, 1] is adapted to detect at least one environmental condition [Col. 7, lines 13-16].

With respect to claim 21, Kennedy teaches that the monitoring device monitors the at least one condition by monitoring precursor conditions [Col. 1, lines 15-19, lines 24-32].

2. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy, in view of Young as applied to claim 1 above, and further in view of Francois, Patent No. 5,921,258.

Kennedy teaches a transmitter [Fig. 1, 9] for transmitting a control signal to a plurality of receivers [Fig. 1, 3], but does not disclose that the control signal is an infrared signal, or a radio frequency signal.

Francois teaches an apparatus to shield a wheelchair user from rain and sun. With respect to claims 2 and 3, Francois teaches that it is known to provide transmitters that use infrared signals and radio frequency signals to transmit the control signal [Col. 6, lines 53-62].

It would have been obvious to one of ordinary skill in the art at the time the invention was made that the control signal of Kennedy may be an infrared signal or a radio frequency signal as taught by Francois as infrared and radio frequency signals are more reliable as such signals would not be as subject to interference under severe weather conditions.

3. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy, in view of Young, as applied to claims 1-7, and 9-12 above, and further in view of Vanderable, Patent No. 6,204,761.

Kennedy and Young do not disclose that the monitoring device is adapted to receive notifications from a weather monitoring and notification service.

With respect to claims 8 and 13, Vanderable teaches that the monitoring device is adapted to receive notifications from a weather monitoring and notification service [Col. 4, lines 59-63].

Both teachings are analogous weather alert systems. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Vanderable, with the monitoring and reporting system of Kennedy, because early issuance of severe weather and tornado warnings by a weather monitoring and notification service (NOAA) has saved many lives by

allowing those living in affected areas to seek shelter before arrival of the severe weather conditions.

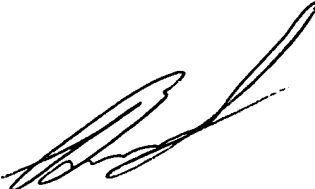
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dharti H. Patel whose telephone number is 571-272-8659. The examiner can normally be reached on 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2800, Ext. 36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DHP
07/20/2006



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